

USPTO Customer No. 25280
Serial No: 10/748,627

Inventor(s): Danielson et al
Case No: 5465A

REMARKS

Claims 1-14 are pending. Claims 1,3,5 and 9 (and by dependency, others as well) are amended herein in response to the concerns and helpful suggestions of the Examiner.

The pending claims 1-14 are rejected under section 103 in light of the GE '921 reference. The rejection is traversed, as the amended claims revealing details of the invention are not obvious in light of GE '921.

The applicant has employed the examiner's suggestion of amending the claims to exclude the end point of the range, i.e. to exclude 0.1%. The claims now call for a bluing agent concentration of less than 100 parts per million. This avoids the endpoint overlap cited by the examiner on page 7 of the recent office action.

Furthermore, applicant has amended the claims to remove "about" from the range. This avoids any perceived ambiguity in the range end point, providing certainty and clarity that the amended claim of this invention is patentable, and not rendered obvious by the prior art.

Finally, applicant has adopted the examiner's suggestion of requiring that the articles be "substantially clear". As claimed, the present composition is used at levels effective merely as a bluing agent. The inventive combination toner does not deleteriously affect transparency -- in fact, it assists in providing transparency by its anti-yellowing effects. As noted in the specification, such a combination can be added in very low amounts, of less than 100 ppm of the total parts of polyester. The level of

USPTO Customer No. 25280

Inventor(s): Danielson et al

Serial No: 10/748,627

Case No: 5465A

loadings does not contribute an excess in blue or violet discoloration to the target resin.

The amount of colorant added in the cited GE reference (0.01-5%) clearly is outside the claimed range of the amended claims. The GE reference teaches the making of colored bottles, not substantially colorless articles. Thus, the invention is not obvious, and the use of two separate blue light absorbing compounds, in the stated wavelength range, with less than 100 ppm loading, and resulting in a substantially colorless fiber or article is not obvious.

Conclusion

It is believed that the above amended claims patentably define over the prior art record and that the application is in complete condition for allowance. Should any issues remain after consideration of this Amendment, however, the Examiner is invited and encouraged to telephone the undersigned at his convenience.

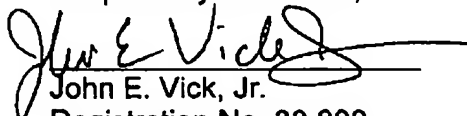
Fee Authorization: In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

USPTO Customer No. 25280
Serial No: 10/748,627

Inventor(s): Danielson et al
Case No: 5465A

Extension of Time: In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully submitted,


John E. Vick, Jr.
Registration No. 33,808

MILLIKEN AND COMPANY
920 Milliken Road, M-495
Spartanburg, SC 29303

Telephone (864) 503-1383
Facsimile (864) 503-1999